

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOROTHY TALLEY VIALPANDO, *et al.*,
 Plaintiffs,
 vs.
 STRYKER CORPORATION, *et al.*,
 Defendants.

Case No.: 2:10-cv-00028-LDG-PAL

AMENDED ORDER

This matter is before the court on the parties' Stipulated Discovery Plan and Scheduling Order (Dkt. #26) filed May 19, 2011, which requests special scheduling review. The parties conducted a Fed. R. Civ. P. 26(f) meeting on May 2, 2011, and have requested an April 4, 2012 discovery cutoff indicating the additional time is needed due to the complexity of the issues involved in this case and the number of deposition to be conducted.

The Complaint (Dkt. #1) in this matter was filed January 8, 2010. Defendants first appeared April 28, 2010 by filing a motion to dismiss (Dkt # 9). The district judge entered an Order (Dkt #24) March 21, 2011 denying the motion to dismiss and an Answer was filed by Defendants (Dkt. #25) on April 4, 2011. Although the motion to dismiss challenged only the punitive damages claim, the parties did not meet and confer and submit a proposed discovery plan and scheduling order as required by LR 26-1(e).

LR 26-1(e) establishes a presumptively reasonable time to complete discovery, amend the pleadings and add parties, submit expert witness disclosures, file dispositive motions, and lodge the pretrial order with the court. LR 26-1(e)(1) provides for 180 days to complete discovery, measured from the date the first defendant answers or otherwise appears. If a proposed discovery plan and scheduling order provides deadlines other than those specified in LR 26-1(e), LR 26-1(d) provides that the plan shall state on its face "special scheduling review requested," and shall contain "a statement of

the reasons why longer or different time periods should apply to the case or, in cases in which the parties disagree as to the form or contents of the discovery plan, a statement of each party's position on each point in dispute."

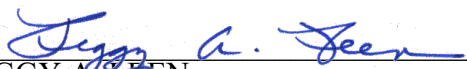
Having reviewed the proposed Joint Discovery Plan and Scheduling Order, the court finds that the that the parties have not established good cause for the additional time requested, which is more than three times the amount of time deemed presumptively reasonable by LR 26-1(e). The Local Rules of Practice are designed to establish deadlines consistent with the need to bring matters timely to trial. The parties have apparently not initiated discovery because the Defendants sought to dismiss Plaintiffs' punitive damages claim. Under these circumstances and without a showing of good cause for the additional time requested the court will not approve the parties' proposed Discovery Plan and Scheduling Order deadlines. The court will give the parties 180 days, measured from the Defendants' answer, to complete discovery and scrutinize any request for an extension of the deadlines for a strong showing that the parties could not complete the discovery withing the time allowed despite the exercise of due diligence.

IT IS ORDERED that:

1. The parties Stipulated Discovery Plan and Scheduling Order (Dkt. #26) filed May 19, 2011, which requests special scheduling review is **DENIED**.
2. The following Discovery Plan and Scheduling Order dates shall apply:
 - a. Last date to complete discovery: **October 3, 2011**.
 - b. Last date to amend pleadings and add parties: **July 5, 2011**.
 - c. Last date to file interim status report: **August 4, 2011**.
 - d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **August 4, 2011**.
 - e. Last date to disclose rebuttal experts: **September 6, 2011**.
 - f. Last date to file dispositive motions: **November 2, 2011**.
 - g. Last date to file joint pretrial order: **December 2, 2011**. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.

3. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the pretrial order.
4. Applications to extend any dates set by this discovery plan and scheduling order shall, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend discovery shall be received no later than **September 12 2011**, and shall fully comply with the requirements of LR 26-4.

Dated this 20th day of May, 2011.



PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE